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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,395	11/25/2003	Sung Gi Hwang	K-0567	4274
34610	7590	06/05/2006	EXAMINER	
FLESHNER & KIM, LLP P.O. BOX 221200 CHANTILLY, VA 20153			LU, JIPING	
			ART UNIT	PAPER NUMBER
			3749	

DATE MAILED: 06/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/720,395

Applicant(s)

HWANG, SUNG GI

Examiner

Jiping Lu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-11, 16-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over White et al. (U. S. Pat. 3,520,568) in view of Chioffi et al. (U. S. Pat. 6,082,787).

Patent to White et al. shows a dryer comprising a housing 12, a drum 11 rotatably installed in the housing, a heating apparatus for supplying hot air to the drum (col. 2, lines 59-61), a door 13 and an apparatus for opening/closing the door 13 comprising a hook 17 with hanging portion 26 and a latch assembly 18 having a latch body 19 and a holder 25 to releasably hold the hanging portion 26 which are arranged same as claimed. However, patent to White et al. does not show the door opening/closing apparatus with a latch assembly having a pair of holders to releasably hold the hanging portion, a pair of springs provided in rear of the holders and a pair of support members provided to the latch body to support a rear portion of one of the springs so that the springs remain stable as the holders move. Chioffi et al. teach a door opening/closing device for a domestic electrical appliance comprising a latch assembly 1 with a latch body 2, a pair of holders 8,9 to hold the hanging portion of hook 21, a pair of springs 10, 11 provided in rear of the holders and a pair of support members with a pair of vertical ribs and a horizontal rib (not numbered, see Figs. 1, 3-4, 6-7, parts support springs 10, 11) to support each of the springs

to move stably, a latch cap 4, a first reception part 3b, a pair of second reception parts (on both sides of the first reception part), a pair of passing holes (at 8, 9), a recess (at 10), a protrusion 8b, 9b, a hollow portion for receiving spring (not numbered, see Fig. 3, 6) which are arranged same as claimed. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the latch assembly 1 of Chioffi et al. for the latch assembly of White et al. in order to improve the safety.

3. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over White et al. (U. S. Pat. 3,520,568) in view of Chioffi et al. (U. S. Pat. 6,082,787) as applied to claim 11 above, and further in view of Cravener (U. S. Pat. 2,489,864).

The dryer of White et al. as modified by Chioffi et al. as above includes all that is recited in claim 14 except for the bolts for fixing the latch cap to the latch body. Cravener teaches a latch assembly with bolts 16 for fixing the latch cap 14 to the latch body same as claimed. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the dryer of Chioffi et al to include bolts for fixing the latch cap to the latch body as taught by Cravener in order to facilitate install and replace latch cap.

4. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over White et al. (U. S. Pat. 3,520,568) in view of Chioffi et al. (U. S. Pat. 6,082,787) as applied to claim 11 above, and further in view of Fleming (U. S. Pat. 4,480,862) or Fig. 1 of applicant admitted prior art.

The dryer of White et al. as modified by Chioffi et al. as above includes all that is recited in claim 15 except for the hook is built in one body of a fixing plate screw-coupled to one side of the door. Fleming teaches a latching mechanism with a hook 32 is built in one body of a fixing plate 34 screw-coupled to one side of the door jamb. Fig. 1 of applicant admitted prior art teaches

a latching mechanism with a hook 30 is built in one body of a fixing plate (not numbered) screw-coupled to one side of the door 10. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the dryer of Chioffi et al to include a hook with screw-coupled fixing plate as taught by Fleming or fig. 1 of applicant admitted prior art in order to facilitate install and replace hook.

5. Claims 1-9, 11-17, 19-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over White et al. (U. S. Pat. 3,520,568) in view of Saunders (U. S. Pat. 2,869,952).

Patent to White et al. shows a dryer comprising a housing 12, a drum 11 rotatably installed in the housing, a heating apparatus for supplying hot air to the drum (col. 2, lines 59-61), a door 13 and an apparatus for opening/closing the door 13 comprising a hook 17 with hanging portion 26 and a latch assembly 18 having a latch body 19 and a holder 25 to hold the hanging portion 26 which are arranged same as claimed. However, patent to White et al. does not show the door opening/closing apparatus with a latch assembly having a pair of holders to hold the hanging portion, a pair of springs provided in rear of the holders and a support member provided to the latch body to support each of the springs to move stably. Saunders teaches a door opening/closing device for a domestic electrical appliance comprising a latch assembly with a latch body 31, a pair of holders 39-44 to hold the hanging portion of hook 29, a pair of springs 47 provided in rear of the holders and a support member 36 with a pair of vertical ribs 36 and a horizontal rib 46 to support each of the springs to move stably, a latch cap 13, a first reception part (at 32), a pair of second reception parts (on both sides of the first reception part), a pair of passing holes (not numbered, see Fig. 3-4), a recess (at 38) and a protrusion (at 42) which are arranged same as claimed. Therefore, it would have been obvious to one having ordinary skill in

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the art at the time the invention was made to substitute the latch assembly of Saunders for the latch assembly of White et al. in order to improve the safety.

Double Patenting

6. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

7. Claims 1-34 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1-31 of U.S. Patent No. 6,954,992. Although the conflicting claims are not identical, they are not patentably distinct from each other because both are claiming a dryer with a housing, a drum, a heating apparatus, a door, a hook, a latch body with first reception part and a pair of second reception parts, a pair of holders, a pair of springs, etc.

8. Claims 1-34 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 4-29 of copending Application No. 10/721,340. Although the conflicting claims are not identical, they are not patentably distinct from each other because both applications are claiming a dryer latch for

opening/closing a door of a dryer comprising a hook, a latch body with first reception part and a pair of second reception parts, a pair of holders, a pair of springs, protrusions and a latch cap, etc.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Response to Arguments

9. Applicant's arguments filed 2/9/2006 have been fully considered but they are not persuasive to overcome the rejection. First, broad claims 1 and 27 failed to structurally define over the prior art references. The applicant is requested to point out from the claims if there is any structural limitations not shown or taught by the prior art references. Second, on page 11 of the remarks, the applicant argued that the prior art references fail to teach the use of door and support members as recited in claims 1. This is incorrectly. Figs. 1, 3-4, 6-7 of Chioffi clearly shows a pair of support members with a pair of vertical ribs and a horizontal rib to support each of the springs to move stably. Third, the applicant also argued on page 12 of Remarks that Carvener patent dos not show an apparatus with a door and support members. Therefore, claim 14 is allowable. This argument is not persuasive because the primary references do show such door and support members. (See rejection above). Fourth, the applicant also argued on page 12 of Remarks that Fleming patent dos not show an apparatus with a door and support members. Therefore, claim 15 is allowable. This argument is not persuasive because the primary references do show such door and support members. (See rejection above). Fifth, on page 13 of the Remarks, the applicant argued that there is no teaching the claimed support members. The examiner disagrees. In response to applicant's argument that there is no suggestion to combine

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the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, patent to White et al. shows a dryer with an apparatus for opening/closing the door 13, a hook 17, a hanging portion 26, a latch assembly 18, a latch body 19 and a holder. Saunders patent clearly teaches a door opening/closing device for a domestic electrical appliance, a latch assembly with a latch body 31, a pair of holders 39-44, a hook 29, a pair of springs 47, a pair of support member 36 and a latch cap 13 which are arranged same as claimed. Therefore, it is the examiner's position in view of the combined teachings of the references it would have been obvious to one skilled in the art to substitute the latch assembly of Saunders for the latch assembly of White et al. in order to improve the safety. Finally, with regard to the obviousness double patenting, the applicant failed to maintain a line of demarcation of the broad claims between the closely related pending applications. A filing of terminal disclaimer in U.S. Pat. 6954992 would overcome the double patenting rejection. Regarding SN10/721340, if this application is abandoned or if matured to a patent with filing a terminal disclaimer, then, this double patenting rejection will be withdrawn.

Conclusion

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10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

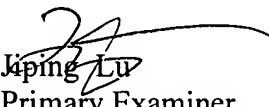
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jiping Lu whose telephone number is 571 272 4878. The examiner can normally be reached on Monday-Friday, 9:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, EHUD GARTENBERG can be reached on 571 272-4828. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Jiping Lu
Primary Examiner
Art Unit 3749

J. L.